REMARKS

The applicants thank the examiner for acknowledging applicants' claim for foreign priority and reception of the certified copy of the foreign priority document that was submitted on 24 February 2004. The applicants also thank the examiner for having returned initialed copies of the PTO 1449s that were submitted on 24 February 2004 and on 15 February 2007.

Claims 1 - 10 are pending. New claim 11 is presented for examination. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claims 1 - 10 were rejected under 35 USC 112, second paragraph, as being indefinite. The applicants respectfully request that this rejection be withdrawn for the following reasons.

The examiner asserted that the phrase "setting a target acceleration based on a distance from and relative speed with respect to an object ahead of the vehicle" is contextually unclear. The examiner has suggested that the phrase at issue be changed to "setting a target acceleration based on a distance from the vehicle to an object present ahead of the vehicle and relative speed with respective to said object present ahead of the vehicle." The applicant has amended claims 1, 3 and 7 to essentially adopt the examiner's suggestion. Therefore, it is respectfully requested that the rejection of claims 1 - 10 be withdrawn.

Claim 1 was rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,819,283 to Okai *et al.* (hereafter: "Okai"). The applicants respectfully request that this rejection be withdrawn for the following reasons.

Claim 1 recites *inter alia* the novel embodiment disclosed, for example, on pgs. 25 - 30 of a vehicle control system comprising: means for controlling a running condition of a vehicle based on a distance from the vehicle to an objected present ahead of the vehicle and accelerating

or decelerating the vehicle according to the target control amount (ECU 2); means for performing control for avoiding a collision with the object if the collision cannot be avoided by the running condition control means; and means for canceling an operation mode for allowing the running condition control means to perform control if control by the collision avoiding control means is activated when the operation mode is active.

Particularly, as shown in, for example, the right-side portion of Fig. 6, an automatic inter-vehicle distance control is cancelled if a collision avoiding control is performed during the automatic inter-vehicle distance control. As a result, a driver is required to operate a vehicle manually so that the driver does not overly rely on automatic control. This is contrary to an automatic return to the inter-vehicle distance control shown in the middle part (after T2) of FIG. 6, even if a collision alarm is issued.

Okai discloses a vehicle control apparatus including an adaptive cruise control (ACC) unit 5, a headway distance alarm unit 7, and a collision reduction control unit 8. The vehicle control apparatus also includes a stop-of-operation judgment unit 4 that uses a calculated detection performance level to control to stop operation of the ACC control unit 5, the headway distance alarm unit 7 and the collision reduction control unit 8 individually.

Although Okai discloses prohibiting ACC 5 and allowing collision reduction control when the detection performance is low (see e.g., col. 6, lines 15 - 21), Okai fails to disclose means for canceling an operation mode for allowing the running condition control means to perform control *if control by the collision avoiding control means (*collision reduction control unit 8) *is activated* when the operation mode is active. That is, Okai fails to disclose that the ACC 5 is stopped when the collision reduction control is performed during the ACC mode. Rather, Okai merely discloses stopping the ACC 5 if the detected performance level is low.

Therefore, because Okai fails to disclose means for canceling an operation mode for allowing the running condition control means to perform control if control by the collision avoiding control means is activated when the operation mode is active, it is respectfully requested that the rejection of claim 1 under 35 U.S.C. 102(e) be withdrawn.

The indication of allowable subject matter in claims 2 - 10 is acknowledged and appreciated.

In view of the foregoing, the applicants submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,

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